

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

PROGRESSIVE SPECIALTY)
INSURANCE COMPANY,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO: 2:06-CV-336-MHT
)
DARRYL D. FINCH, et al.,)
)
Defendants.)

MOTION TO STRIKE

Comes now the plaintiff, Progressive Specialty Insurance Company (“Progressive”), pursuant to Rule 12 (f) of the Federal Rules of Civil Procedure, and moves the court to strike the answer of Darryl D. Finch Enterprises, Inc., in this case. In support of the motion, Progressive shows unto the court the following:

1. Darryl D. Finch Enterprises Inc., is an Alabama corporation. It filed a pro se answer to Progressive’s declaratory complaint.
2. Generally, a corporation can appear in court only through an attorney. It can not appear pro se. Perryman Group, Inc. v. Amsouth Bank, 903 So. 2d 128 (Ala. 2004).

3. It appears that the proper relief would be to strike the defendant corporation's answer, but give that defendant an opportunity to file an answer by a licensed attorney.

Colby Materials, Inc. v. Caldwell Construction, Inc., 926 So. 2d 1181 (Fla. 2006)

/s/ R. Larry Bradford

R. Larry Bradford, Attorney for Plaintiff,
Progressive Specialty Insurance Company
Attorney Bar Code: BRA039

OF COUNSEL:

Bradford & Sears, P.C.
2020 Canyon Road
Suite 100
Birmingham, AL 35216
(205) 871-7733

CERTIFICATE OF SERVICE

I hereby certify that I have this the 17th day of July, 2006, served a copy of the foregoing to all attorneys of record by placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

Mr. Darryl D. Finch
3347 Wells Road
Montgomery, Alabama 36108

Darryl D. Finch Enterprises, Inc
P.O. Box 240224
Montgomery, Alabama 36124

/s/ R. Larry Bradford
OF COUNSEL